

(Regulations of the Fair Political Practices Commission, Title 2, Division 6, California Code of Regulations)

§ 18438.1. Officers and Agencies Under Government Code Section 84308.

(a) The officers of an agency exempted by Government Code Section 84308(a)(3) are exempted only when:

(1) They are acting as members of the governing body of the agency, and the body is acting in its entirety as itself or as the ex officio governing body of any other agency. This applies to a city council or board of supervisors which designates itself as the redevelopment agency for the city or county; or

(2) They are acting as members of any committee or subgroup of the governing body of the agency which is composed solely of members of the governing body of the agency.

(b) The exemption for the officers of local governmental agencies who are directly elected by the voters applies only to agencies whose entire membership consists of officers directly elected by the voters to serve on that agency.

(c) “Alternate” means any person designated to serve as an officer of an agency who has served at least once in the preceding three months, or who knows or has reason to know will serve as an officer of the agency in the next three months.

(d) An officer of an agency includes only those persons who:

(1) Serve as members of governmental boards and commissions; or

(2) Serve as the head of an agency. A member of the Governor's Cabinet is not an officer under Government Code Section 84308 when the member is acting in the capacity of agency secretary; however, the person is an officer when the person acts as a department director or as a member of any board or commission.

Note: Authority cited: Section 83112, Government Code. Reference: Section 84308, Government Code.

HISTORY

1. New section filed 1-26-83; effective thirtieth day thereafter (Register 83, No. 5).
2. Amendment filed 3-12-84; effective thirtieth day thereafter (Register 84, No. 11).
3. Amendment filed 2-22-85; effective thirtieth day thereafter (Register 85, No. 8).
4. Editorial correction of section heading filed 5-6-85; effective thirtieth day thereafter (Register 85, No. 19).
5. Amendment of subsections (c) and (d)(2) filed 5-12-2021; operative 6-11-2021 pursuant to Cal. Code Regs., tit. 2, section 18312(e). Submitted to OAL for filing pursuant to *Fair Political Practices Commission v. Office of Administrative Law*, 3 Civil C010924, California Court of Appeal, Third Appellate District, nonpublished decision, April 27, 1992 (FPPC regulations only subject to 1974 Administrative Procedure Act rulemaking requirements and not subject to procedural or substantive review by OAL) (Register 2021, No. 20).